

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Fallaux et al.

Serial No.: 10/038,271

Filed: October 23, 2001

For: PACKAGING SYSTEMS FOR
HUMAN RECOMBINANT ADENOVIRUS
TO BE USED IN GENE THERAPY

Confirmation No.: 8381

Examiner: D. Nguyen

Group Art Unit: 1632

Attorney Docket No.: 2578-3833.6US

CERTIFICATE OF MAILING

I hereby certify that this correspondence along with any attachments referred to or identified as being attached or enclosed is being deposited with the United States Postal Service as First Class Mail on the date of deposit shown below with sufficient postage and in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
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P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In compliance with the duty to disclose information material to patentability pursuant to 37 C.F.R. § 1.56, it is respectfully requested that this Supplemental Information Disclosure Statement be entered and the documents listed on attached Form PTO/SB/08 be considered by the Examiner and made of record. Copies of the listed documents are enclosed pursuant to 37 C.F.R. § 1.98(a).

Other Documents

ACSADI et al., Adenovirus-mediated gene transfer into striated muscles, J Mol Med, 1995, pp. 165-80, Vol. 73.

BERG et al., High-Level Expression of Secreted Proteins from Cells Adapted to Serum-Free Suspension Culture, BioTechniques, 1993, pp. 972-78, Vol. 14, No. 6.

COLBY et al., Adenovirus Type 5 Virions Can Be Assembled In Vivo in the Absence of Detectable Polypeptide IX, Journal of Virology, Sept. 1981, pp. 997-80, Vol. 39, No. 3.

GALLIMORE et al., Transformation of Human Embryo Retinoblasts with Simian Virus 40, Adenovirus and ras Oncogenes, Anticancer Research, 1986, pp. 499-508, Vol. 6.

GenBank Accession No. X02996.1, 1993, "Adenovirus type 5 left 32% of the genome."

GRAHAM et al., Size and location of the transforming region in human adenovirus type 5 DNA, Nature, October 25, 1974, pp. 687-91, Vol. 251.

HITT et al., Construction and Propagation of Human Adenovirus Vectors, Cell Biology, 1994, pp. 479-90, Vol. 1, Academic Press, San Diego, California.

MARCK, CHRISTIAN, 'DNA Strider': a 'C' program for the fast analysis of DNA and protein sequences on the Apple Macintosh family of computers, Nucleic Acids Research, 1988, pp. 1829-36, Vol. 16, No. 5.

MITANI et al., Rescue, propagation, and partial purification of a helper virus-dependent adenovirus vector, Proc. Natl. Acad. Sci., April 1995, pp. 3854-58, Vol. 92.

NCBI database excerpt: Locus AC_000008 (human adenovirus type 5)

Notice of Opposition to a European Patent by Serono International S.A. filed against Patent No. 0 833 934 (July 5, 2005).

Opposition lodged by Cevec Pharmaceuticals GmbH against European Patent 0 833 934 (July 5, 2005).

PESHWA et al., Cultivation of Mammalian Cells as Aggregates in Bioreactors: Effect of Calcium Concentration on Spatial Distribution of Viability, 1993, pp. 179-87, Vol. 41.

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RHIM, JOHNG S., Development of Human Cell Lines from Multiple Organs, 2000, Annals New York Academy of Sciences, pp. 16-25.

ROWE et al., Establishment and Characterization of Hamster Cell Lines Transformed by Restriction Endonuclease Fragments of Adenovirus 5, Journal of Virology, Jan. 1984, pp. 162-70, Vol. 49, No. 1.

RULEY, H. EARL, Adenovirus early region 1A enables viral and cellular transforming genes to transform primary cells in culture, Nature, August 1983, pp. 602-06, Vol. 304.

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WHITE et al., Adenovirus E1B 19-Kilodalton Protein Overcomes the Cytotoxicity of E1A Proteins, Journal of Virology, June 1991, pp. 2968-78, Vol. 65, No. 6.

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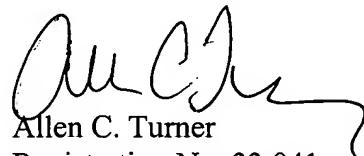
WHITE et al., The 19-Kilodalton Adenovirus E1B Transforming Protein Inhibits Programmed Cell Death and Prevents Cytolysis by Tumor Necrosis Factor alpha, Molecular and Cellular Biology, June 1992, pp. 2570-80, Vol. 12, No. 6.

WOODWORTH et al., Transformation of Differentiated Rat Hepatocytes with Adenovirus and Adenovirus DNA, Journal of Virology, Nov. 1987, pp. 3570-79, Vol. 61, No. 11.

This Supplemental Information Disclosure Statement is filed after the mailing date of the first Office Action on the merits.

I hereby certify that each item of information contained in this Supplemental Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement, and therefore no fee is due.

Respectfully submitted,



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Application Number	10/038,271
Filing Date	October 23, 2001
First Named Inventor	Fallaux et al.
Group Art Unit	1632
Examiner Name	D. Nguyen
Attorney Docket Number	2578-3833.6IUS

NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		ACSADI et al., Adenovirus-mediated gene transfer into striated muscles, J Mol Med, 1995, pp. 165-80, Vol. 73.	
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